

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

USDC SDNY
DOCUMENT
ELECTRONICALLY FILED
DOC #:
DATE FILED: 3/14/13

-----X
MELANIE ZAMBOROWSKI, : 12 Civ. 955 (LAP)
:
Plaintiff, :
:
v. :
:
ALLIED INTERSTATE, INC., :
:
Defendant. :
-----X

LORETTA A. PRESKA, Chief United States District Judge:

On May 21, 2012, Plaintiff filed a motion seeking attorneys' fees and costs incurred in connection with Plaintiff's action brought under the Fair Debt Collection Practices Act, 15 U.S.C. § 1692, et seq., ("FDCPA"). Plaintiff has accepted a modest offer of judgment made by Allied Interstate, Inc. The offer of judgment included reasonable costs and attorneys' fees. Plaintiff seeks \$7,141 in fees and costs.

The Court referred the attorneys' fees motion to Magistrate Judge Freeman, who issued a Report and Recommendation on January 30, 2013 (the "Report") which considered and assessed the detailed time records provided by the Kimmel Firm. The Report recommended that Plaintiff be awarded \$3,760 in fees and \$550 in costs, for a total award of \$4,310. (Report at 22.) The Report advised that the parties shall have fourteen days from service

of the Report to file written objections. Neither party submitted any objections to the Report. For the reasons set forth below, the Court adopts the Report in its entirety.

A district court may adopt portions of a magistrate's report to which "no specific, written objection" is made, as long as those sections are not clearly erroneous. See Fed.R.Civ.P. 72(b); Thomas v. Arn, 474 U.S. 140, 149 (1985). A district judge may accept, reject, or modify, in whole or in part, the findings and recommendation of the magistrate. See DeLuca v. Lord, 858 F.Supp. 1330, 1345 (S.D.N.Y. 1994).

The Report is not clearly erroneous. Magistrate Judge Freeman's determinations are supported by the law and the record in all material respects. Magistrate Judge Freeman used the "lodestar" method, which is arrived at by multiplying "the number of hours reasonably expended on the litigation . . . by a reasonable hourly rate," Hensley v. Eckerhart, 461 U.S. 424 (1983), to evaluate Plaintiff's request for attorneys' fees and costs and modified the requested amount from \$7,141 to \$4,310.

For the reasons stated herein, the Court adopts the Report in its entirety.

Plaintiff's motion [dkt. no. 19] is GRANTED and the Clerk of the Court is respectfully requested to enter judgment for Plaintiff in the amount of \$4,310.

SO ORDERED.

Dated: New York, New York

March 11, 2013

Loretta A. Preska

LORETTA A. PRESKA,
CHIEF U.S.D.J.